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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,009	06/27/2000	HIDEKAZU SUZUKI	HYAE:099	6631

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PARKHURST & WENDEL
1421 PRINCE STREET
SUITE 210
ALEXANDRIA, VA 22314-2805

EXAMINER

CHEN, SHIN HON

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,009

Applicant(s)

SUZUKI, HIDEKAZU

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 20-29 have been examined.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitada U.S. Pat. No. 5606611 (hereinafter Kitada) in view of Matsuzaki et al. U.S. Pat. No. 6289314 (hereinafter Matsuzaki) and further in view of Saito U.S. Pat. No. 5901339 (hereinafter Saito).

4. As per claim 20, Kitada discloses a data stream transmission and reception method comprising: receiving, in accordance with a reception contract, by plural receivers that have individual ID numbers and belong to a common group (Kitada: column 1 line 42 – column 2 line 14), a data stream transmitted from a transmitting end, wherein the plural receivers have a common group ID number (Kitada: column 1 line 42 – column 2 line 14); managing the reception contract in accordance with of the individual ID numbers or the group ID number (Kitada: column 1 lines 14-27: contract information based on individual receivers); and charging the plural receivers in the common group indicated by the group ID number a billing amount charged for one receiver even if a portion of a data stream is received by plural receivers in the common group (Kitada: column 1 line 47 – column 16: charging in accordance with contract

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conditions... individual information including contract information of each of the receiving stations... group information including contract information for each group). Kitada does not explicitly disclose billing amount charged for one receiver even if a portion of data stream is received by plural receivers in the common group. However, Matsuzaki discloses having plurality of terminals coupled to a receiving station in a household to receive data stream from transmitting stations and billing amount is charged to account that uses pay information based on individual terminal usage with calculated rate (Matsuzaki: column 3 line 41 – column 4 line 19). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Matsuzaki within the system of Kitada because it increases the efficiency of transmitting data stream to plurality of receivers based on groups.

Kitada as modified does not explicitly disclose billing amount charged for one receiver even if a portion of data stream is individually received from the transmitting end by plural receivers in the common group and selectively applying either a billing amount charged for one receiver or a billing amount for said common group. However, Saito discloses that general channels are not scrambled and can be viewed under a comprehensive contract and selectively applying either a billing amount charged for one receiver or a billing amount for said common group (Saito: column 1 lines 54-65: comprehensive contract can be viewed by plurality of receivers without additional charge as long as the household/group subscribes to the basic service). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to charge based on group and individual contract because CATV uses contract information to determine whether a user can receive certain programs. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's

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invention to combine the teachings of Saito within the combination of Kitada-Matsuzaki because it reduces redundant charge for viewing general programs.

5. As per claim 21, Kitada as modified discloses the data stream transmission and reception method of claim 20. Kitada as modified further discloses wherein the plural receivers belonging to the common group are charged the billing amount charged for one of the plural receivers indicated by the group ID number regardless of the number of the receivers that receive the portion of a data stream (Matsuzaki: column 13 lines 5-60; Kitada: (Kitada: column 1 line 47 – column 16: charging in accordance with contract conditions... individual information including contract information of each of the receiving stations... group information including contract information for each group).

6. As per claim 22, Kitada as modified discloses the data stream transmission and reception method of claim 20. Kitada as modified further discloses wherein each receiver receives a descriptor that indicates that either receiver-unit accounting or group-unit accounting is to be applied to the portion of a data stream (Kitada: column 1 line 14- column 2 line 14), and when the reception contract is based on the group-unit accounting, the plural receivers can receive the portion of a data stream at the charge for one receiver (Matsuzaki: column 3 line 1 – column 4 line 19; Saito: column 1 lines 54-65), and when the reception contract is based on the receiver-unit accounting, each of the plural receivers that is indicated by the individual ID number can receive the portion of a data stream at the billing amount for one receiver (Kitada: column 1 line 14- column 2 line 14).

7. As per claim 23, Kitada discloses a data stream transmission and reception method comprising: receiving, in accordance with a reception contract, by plural receivers that have individual ID numbers and belong to a common group and assigning individual receivers to groups (Kitada: column 1 line 14- column 2 line 14). Kitada does not explicitly disclose a data stream transmitted from a transmitting end, wherein the plural receivers have a common group ID number; notifying the transmitting end of the individual ID number stored in a first receiver among plural receivers belonging to the common group; notifying the transmitting end of the individual ID number of at least additional receiver that belongs to the common group of the first receiver, and information indicating that the additional receiver and the first receiver belong to the common group; assigning, by the transmitting end that has received the notification, the common group ID number to the first receiver and the additional receiver, wherein plural receivers belonging to the common group are charged a billing amount charged for one receiver even if a portion of a data stream is received with plural receivers in the common group. However, Matsuzaki discloses each receiving station contains a server which provides services to terminals within a household/group, and the server initially register with the transmitting end. and assign unique identifier to each terminal (Matsuzaki: column 15 line 38 – column 16 line 59). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Matsuzaki within the system of Kitada because it is well known in the art to allow individual terminals to request pay programs separately.

Kitada as modified does not explicitly disclose plural receivers belonging to the common group are charged a billing amount charged for one receiver even if a portion of a data stream is

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received with plural receivers in the common group and selectively applying either a billing amount charged for one receiver or a billing amount for said group. However, Saito discloses that general channels are not scrambled and can be viewed under a comprehensive contract (Saito: column 1 lines 54-65: comprehensive contract can be viewed by plurality of receivers without additional charge as long as the household/group subscribes to the basic service). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Saito within the combination of Kitada-Matsuzaki because it reduces redundant charge for viewing general programs.

8. As per claim 24, Kitada as modified discloses the data stream transmission and reception method of claim 23, wherein said assigning further comprises outputting a descriptor that indicates that either receiver-unit accounting or group-unit accounting is to be applied to the portion of a data stream (Kitada: column 1 line 14- column 2 line 14), and then the reception contract is based on the group-unit accounting, the plural receivers can receive the portion of a data stream at a billing amount charged for one receiver (Matsuzaki: column 3 line 1 – column 4 line 19; Saito: column 1 lines 54-65), and when the reception contract is based on the receiver-unit accounting, each of the plural receivers can receive the portion of a data stream at the billing amount charged for one receiver (Kitada: column 1 line 14- column 2 line 14).

9. As per claim 25, Kitada as modified discloses the data stream transmission and reception method as described in claim 20 or 23. Kitada as modified further discloses wherein the

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reception contract is updated at regular time intervals (Saito: column 1 lines 54-65). It is well known in the art to update reception contract at regular time intervals.

10. As per claim 26, Kitada as modified discloses the data stream transmission and reception method of claim 20 or 23. Kitada as modified further discloses wherein said receiving comprises receiving a data stream comprising video, audio, and data which are transmitted by a digital broadcasting station (Kitada: column 1 lines 7-25); and the reception contract is for applying a predetermined accounting method to the portion of a data stream that is received for a predetermined period of time (Saito: column 1 lines 36-65).

11. As per claim 27, Kitada as modified discloses the data stream transmission and reception method of claim 20 or 23. Kitada as modified further discloses wherein content of the reception contract is multiplexed in a data stream to be transmitted to the receiver (Kitada: column 3 lines 20-50).

12. As per claim 28, Kitada as modified discloses the receiving apparatus of claim 20 or 23. Kitada as modified further discloses wherein the portion of a data stream comprises one of an event program and channel data (Saito: column 1 lines 28 – column 2 line 6, column 4 line 66 – column 5 line 14).

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13. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitada in view of Matsuzaki and further in view of Saito and further in view of Ellis et al. U.S. Pub. 20010010095 (hereinafter Ellis).

14. As per claim 29, Kitada as modified discloses the receiving apparatus of claim 22 or 24. Kitada as modified does not explicitly disclose wherein the descriptor is in an event information table of service information in a data stream. However, Ellis discloses that limitation (Ellis: [0006]-[0009], [0053]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Ellis within the combination of Kitada-Matsuzaki-Saito because it provides interactive television program guide that enhances the ability of a service provider to supply users with information on the programming available from service provider.

Response to Arguments

15. Applicant's arguments filed on 12/16/04 have been fully considered but they are not persuasive.

16. Regarding the Matsuzaki reference, applicant argues that Matsuzaki reference does not disclose selectively applying either a billing amount charged for one receiver or a billing amount for said common group. However, that limitation is disclosed by Saito as specified in current rejection. Also, applicant argues that the Matsuzaki reference discloses receiving data from the server instead of the transmitting end. However, Matsuzaki reference discloses that the

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server receives data from the transmitting end and then passes it to receivers. Therefore, the data is received from the transmitting end and the claim language does not differentiate applicant's argument and the reference applied.

17. Regarding the Saito reference, applicant argues that the reference does not disclose charging based on group contract or individual contract. However, Saito discloses that the receivers of a group can receive basic channels because they pay a basic fee for the entire group and if each receiver wants to receive pay programs, then they have to be additionally charged because the pay programs are not in the group reception contract. Therefore, when a receiver wants to watch certain channel, it is determined whether the channel requires individual charge or group charge which is billed for the entire group (since the contract covers basic service).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizobata U.S. Pat. No. 6760382 discloses transmitting data to a receiving group consisting of predetermined receivers and group specifying information for identifying a receiving group and in-group identification information for identifying a receiver in the receiving group.

Ushiyama U.S. Pat. No. 6349140 discloses a method for allowing the user to see pay channel programs with a plurality of TV receivers with moderate cost.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen
Examiner
Art Unit 2131

SC


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